

Executive Summary – Enforcement Matter – Case No. 55588

INVISTA S.a r.l.

RN102663671

Docket No. 2018-0096-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

INVISTA SARL, 2695 Old Bloomington Road North, Victoria, Victoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 17, 2018

Comments Received: No

Penalty Information

Total Penalty Assessed: \$30,135

Amount Deferred for Expedited Settlement: \$6,027

Total Paid to General Revenue: \$12,054

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$12,054

Name of SEP: Texas A&M University - Corpus Christi (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 30, 2016 through August 15, 2017

Date(s) of NOE(s): December 11, 2017

Executive Summary – Enforcement Matter – Case No. 55588
INVISTA S.a r.l.
RN102663671
Docket No. 2018-0096-AIR-E

Violation Information

Failed to perform daily visible emissions observations when the associated baghouse and particulate scrubbers were in operation. Specifically, the Respondent failed to inspect eight vents for visible emissions on 17 instances from January 10, 2016 through January 9, 2017 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Federal Operating Permit No. O1415, Special Terms and Conditions Nos. 14 and 16, New Source Review Permit Nos. 810, PSDTX1448, and GHGPSDTX129, Special Conditions No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By September 30, 2017, required supervisory personnel to review the prior periods of noncompliance in order to discover and correct performance gaps; and
- b. By December 29, 2017, appointed supervisory personnel to oversee implementation of more rigorous shift-by-shift review process, review the inspection forms to ensure that the visible emissions inspections are properly conducted, and to maintain a uniform understanding of visible emissions inspection protocol.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Raine Hayes-Falero, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3567; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondents: David B. Johnson, Plant Manager, INVISTA S.a r.l., 2695 Old Bloomington Road North, Victoria, Texas 77905
Vincent Salvador, Site Manager, INVISTA S.a r.l., 2695 Old Bloomington Road North, Victoria, Texas 77905

Respondents' Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	18-Dec-2017	Screening	4-Jan-2018	EPA Due	
	PCW	16-May-2018				

RESPONDENT/FACILITY INFORMATION

Respondent	INVISTA S.a r.l.		
Reg. Ent. Ref. No.	RN102663671		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	55588	No. of Violations	1
Docket No.	2018-0096-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raime Hayes-Falero
		EC's Team	Enforcement Team 5

Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000
---------------------------------	-----	---------	----------

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
---	-------------------	-----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	99.0%	Adjustment	Subtotals 2, 3, & 7	\$14,850
---------------------------	--------------	-------------------	--------------------------------	-----------------

Notes

Enhancement for two NOV's with same or similar violations, eight NOV's with dissimilar violations, and four orders with denial of liability.
Reduction for three notices of intent to conduct an audit and two disclosures of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	-----------	-------------	--------------------	-------------------	------------

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,500
--	-------------------	-----------------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	-------------	---------------------	-------------------	------------

Total EB Amounts	\$1,822
Estimated Cost of Compliance	\$3,200

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,350
-----------------------------	-----------------------	-----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	6.3%	Adjustment	\$1,785
---	-------------	-------------------	----------------

Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes

Recommended enhancement for the avoided cost associated with compliance for Violation No. 1.

Final Penalty Amount	\$30,135
-----------------------------	-----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$30,135
-----------------------------------	-------------------------------	-----------------

DEFERRAL	20.0%	Reduction	Adjustment	-\$6,027
-----------------	--------------	------------------	-------------------	-----------------

Reduces the Final Assessed Penalty by the Indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$24,108
------------------------	-----------------

Screening Date 4-Jan-2018

Docket No. 2018-0096-AIR-E

PCW

Respondent INVISTA S.a r.l.

Case ID No. 55588

Reg. Ent. Reference No. RN102663671

Media [Statute] Air

Enf. Coordinator Raime Hayes-Falero

Revision 3 (April 2014)

PCW Revision March 26, 2014

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 99%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for two NOVs with same or similar violations, eight NOVs with dissimilar violations, and four orders with denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 99%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 99%

Screening Date 4-Jan-2018
Respondent INVISTA S.a.r.l.
Case ID No. 55588
Reg. Ent. Reference No. RN102663671
Media [Statute] Air
Enf. Coordinator Ralme Hayes-Falero
Violation Number 1

Docket No. 2018-0096-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Federal Operating Permit No. 01415, Special Terms and Conditions Nos. 14 and 16, New Source Review Permit Nos. 810, PSDTX1448, and GHGSPSDTX129, Special Conditions No. 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to perform daily visible emissions observations when the associated baghouse and particulate scrubbers are in operation. Specifically, the Respondent failed to inspect eight vents for visible emissions on 17 instances from January 10, 2016 through January 9, 2017.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Harm Moderate	Minor
Release			
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 4

17 **Number of violation days**

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended for the instances of noncompliance that occurred from January 10, 2016 to January 9, 2017.

Good Faith Efforts to Comply

10.0%
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Reduction \$1,500

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent completed corrective actions by December 29, 2017, after the December 11, 2017 Notice of Enforcement.

Violation Subtotal \$13,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,822

Violation Final Penalty Total \$30,135

This violation Final Assessed Penalty (adjusted for limits) \$30,135

Economic Benefit Worksheet

Respondent INVISTA S.a.r.l.
Case ID No. 55588
Reg. Ent. Reference No. RN102663671
Media Air
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	30-Jun-2017	29-Dec-2017	0.50	\$37	n/a	\$37

Notes for DELAYED costs

Estimated cost to implement measures and procedures to ensure that daily visible emissions observations are conducted once per day when the associated baghouse and particulate scrubbers are in operation. The Date Required is the record review date and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,700	10-Jan-2016	9-Jan-2017	1.00	\$85	\$1,700	\$1,785
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to perform daily visible emissions observations when the associated baghouse and the particulate scrubbers are in operation (\$100 per observation x 17 missed observations). The Date Required is the first day the visible emissions observation was not conducted and the Final Date is the last day that the visible emissions observation was not conducted.

Approx. Cost of Compliance

\$3,200

TOTAL

\$1,822



Compliance History Report

Compliance History Report for CN602582231, RN102663671, Rating Year 2017 which Includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

Customer, Respondent, or Owner/Operator: CN602582231, INVISTA S.a.r.l.

Classification: SATISFACTORY

Rating: 7.10

Regulated Entity:

RN102663671, INVISTA SARL

Classification: SATISFACTORY

Rating: 5.25

Complexity Points:

56

Repeat Violator: NO

CH Group:

05 - Chemical Manufacturing

Location:

2695 OLD BLOOMINGTON RD N VICTORIA, TX 77905-1840, VICTORIA COUNTY

TCEQ Region:

REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR OPERATING PERMITS PERMIT 1867

AIR OPERATING PERMITS PERMIT 1415

AIR OPERATING PERMITS PERMIT 1904

AIR OPERATING PERMITS ACCOUNT NUMBER VC0008Q

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50393

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 87449

UNOERGROUND INJECTION CONTROL PERMIT WDW004

UNOERGROUND INJECTION CONTROL PERMIT WDW029

UNOERGROUND INJECTION CONTROL PERMIT WDW105

UNOERGROUND INJECTION CONTROL PERMIT WDW142

UNOERGROUND INJECTION CONTROL PERMIT WDW144

AIR NEW SOURCE PERMITS REGISTRATION 132371

AIR NEW SOURCE PERMITS PERMIT 810

AIR NEW SOURCE PERMITS PERMIT 813

AIR NEW SOURCE PERMITS REGISTRATION 7873

AIR NEW SOURCE PERMITS REGISTRATION 14751

AIR NEW SOURCE PERMITS PERMIT 23271

AIR NEW SOURCE PERMITS REGISTRATION 37067

AIR NEW SOURCE PERMITS REGISTRATION 43502

AIR NEW SOURCE PERMITS REGISTRATION 44234

AIR NEW SOURCE PERMITS REGISTRATION 45219

AIR NEW SOURCE PERMITS ACCOUNT NUMBER VC0008Q

AIR NEW SOURCE PERMITS REGISTRATION 146417

AIR NEW SOURCE PERMITS AFS NUM 4846900001

AIR NEW SOURCE PERMITS REGISTRATION 71789

AIR NEW SOURCE PERMITS REGISTRATION 73896

AIR NEW SOURCE PERMITS REGISTRATION 73898

AIR NEW SOURCE PERMITS REGISTRATION 77089

AIR NEW SOURCE PERMITS REGISTRATION 80416L

AIR NEW SOURCE PERMITS REGISTRATION 85650

AIR NEW SOURCE PERMITS REGISTRATION 92605

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1079MI

AIR NEW SOURCE PERMITS REGISTRATION 91536

AIR NEW SOURCE PERMITS REGISTRATION 94270

AIR NEW SOURCE PERMITS REGISTRATION 94982

AIR NEW SOURCE PERMITS REGISTRATION 95926

AIR NEW SOURCE PERMITS REGISTRATION 102817

AIR NEW SOURCE PERMITS REGISTRATION 96543

AIR NEW SOURCE PERMITS REGISTRATION 101241

AIR OPERATING PERMITS PERMIT 1903

AIR OPERATING PERMITS PERMIT 1902

AIR OPERATING PERMITS ACCOUNT NUMBER VCA001A

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXR000057968

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50056

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION
24717

UNOERGROUND INJECTION CONTROL PERMIT WDW028

UNOERGROUND INJECTION CONTROL PERMIT WDW030

UNOERGROUND INJECTION CONTROL PERMIT WDW106

UNOERGROUND INJECTION CONTROL PERMIT WDW143

UNOERGROUND INJECTION CONTROL PERMIT 5X2600662

AIR NEW SOURCE PERMITS PERMIT 809

AIR NEW SOURCE PERMITS PERMIT 812

AIR NEW SOURCE PERMITS PERMIT 7186

AIR NEW SOURCE PERMITS PERMIT 9560

AIR NEW SOURCE PERMITS PERMIT 20011

AIR NEW SOURCE PERMITS PERMIT 31376

AIR NEW SOURCE PERMITS REGISTRATION 43301

AIR NEW SOURCE PERMITS REGISTRATION 43501

AIR NEW SOURCE PERMITS REGISTRATION 45256

AIR NEW SOURCE PERMITS REGISTRATION 47610

AIR NEW SOURCE PERMITS REGISTRATION 141509

AIR NEW SOURCE PERMITS REGISTRATION 141701

AIR NEW SOURCE PERMITS REGISTRATION 71504

AIR NEW SOURCE PERMITS REGISTRATION 56688

AIR NEW SOURCE PERMITS REGISTRATION 74109

AIR NEW SOURCE PERMITS REGISTRATION 76575

AIR NEW SOURCE PERMITS EPA PERMIT PSOTX1079

AIR NEW SOURCE PERMITS REGISTRATION 82497

AIR NEW SOURCE PERMITS REGISTRATION 89577

AIR NEW SOURCE PERMITS REGISTRATION 93064

AIR NEW SOURCE PERMITS REGISTRATION 92217

AIR NEW SOURCE PERMITS REGISTRATION 92339

AIR NEW SOURCE PERMITS REGISTRATION 95034

AIR NEW SOURCE PERMITS REGISTRATION 95435

AIR NEW SOURCE PERMITS REGISTRATION 96200

AIR NEW SOURCE PERMITS REGISTRATION 98317

AIR NEW SOURCE PERMITS REGISTRATION 109746

AIR NEW SOURCE PERMITS REGISTRATION 101161

AIR NEW SOURCE PERMITS REGISTRATION 99179
 AIR NEW SOURCE PERMITS REGISTRATION 100958
 AIR NEW SOURCE PERMITS REGISTRATION 104566
 AIR NEW SOURCE PERMITS REGISTRATION 101961
 AIR NEW SOURCE PERMITS REGISTRATION 102334
 AIR NEW SOURCE PERMITS REGISTRATION 102845
 AIR NEW SOURCE PERMITS REGISTRATION 141367
 AIR NEW SOURCE PERMITS REGISTRATION 132743
 AIR NEW SOURCE PERMITS REGISTRATION 105010
 AIR NEW SOURCE PERMITS REGISTRATION 133129
 AIR NEW SOURCE PERMITS REGISTRATION 122769
 AIR NEW SOURCE PERMITS REGISTRATION 122765
 AIR NEW SOURCE PERMITS REGISTRATION 105033
 AIR NEW SOURCE PERMITS REGISTRATION 141135
 AIR NEW SOURCE PERMITS REGISTRATION 134153
 AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1079M2
 AIR NEW SOURCE PERMITS REGISTRATION 140251
 AIR NEW SOURCE PERMITS REGISTRATION 140591
 AIR NEW SOURCE PERMITS REGISTRATION 123498
 AIR NEW SOURCE PERMITS EPA PERMIT GHGPSOTX145
 AIR NEW SOURCE PERMITS REGISTRATION 135626
 AIR NEW SOURCE PERMITS REGISTRATION 136009
 AIR NEW SOURCE PERMITS EPA PERMIT PSOTX1416
 AIR NEW SOURCE PERMITS REGISTRATION 134924
 AIR NEW SOURCE PERMITS REGISTRATION 134916
 AIR NEW SOURCE PERMITS REGISTRATION 115101
 AIR NEW SOURCE PERMITS REGISTRATION 118280
 AIR NEW SOURCE PERMITS REGISTRATION 122834
 AIR NEW SOURCE PERMITS REGISTRATION 106823
 AIR NEW SOURCE PERMITS REGISTRATION 105206
 AIR NEW SOURCE PERMITS REGISTRATION 130512
 AIR NEW SOURCE PERMITS REGISTRATION 124406
 AIR NEW SOURCE PERMITS REGISTRATION 111678
 AIR NEW SOURCE PERMITS REGISTRATION 134237
 AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX13
 AIR NEW SOURCE PERMITS REGISTRATION 137435
 AIR NEW SOURCE PERMITS REGISTRATION 116638
 AIR NEW SOURCE PERMITS REGISTRATION 107096
 AIR NEW SOURCE PERMITS REGISTRATION 108638
 AIR NEW SOURCE PERMITS REGISTRATION 122173
 AIR NEW SOURCE PERMITS REGISTRATION 150400
 AIR NEW SOURCE PERMITS REGISTRATION 150427
 AIR NEW SOURCE PERMITS REGISTRATION 144939
 AIR NEW SOURCE PERMITS REGISTRATION 142797
 AIR NEW SOURCE PERMITS REGISTRATION 146175
 AIR NEW SOURCE PERMITS REGISTRATION 141829
 AIR NEW SOURCE PERMITS REGISTRATION 150673
 AIR NEW SOURCE PERMITS REGISTRATION 148034
 AIR NEW SOURCE PERMITS REGISTRATION 149942
 AIR NEW SOURCE PERMITS REGISTRATION 146673
 AIR NEW SOURCE PERMITS REGISTRATION 147180
 AIR NEW SOURCE PERMITS REGISTRATION 144015
 AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX145M
 AIR NEW SOURCE PERMITS REGISTRATION 150425
 AIR NEW SOURCE PERMITS REGISTRATION 146964
 PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2350014

WASTEWATER EPA ID TX0006050

STORMWATER PERMIT TXR150023276

AIR NEW SOURCE PERMITS REGISTRATION 101170
 AIR NEW SOURCE PERMITS REGISTRATION 101656
 AIR NEW SOURCE PERMITS REGISTRATION 103838
 AIR NEW SOURCE PERMITS REGISTRATION 103298
 AIR NEW SOURCE PERMITS REGISTRATION 102246
 AIR NEW SOURCE PERMITS REGISTRATION 134597
 AIR NEW SOURCE PERMITS REGISTRATION 111480
 AIR NEW SOURCE PERMITS REGISTRATION 139879
 AIR NEW SOURCE PERMITS REGISTRATION 117482
 AIR NEW SOURCE PERMITS REGISTRATION 116087
 AIR NEW SOURCE PERMITS REGISTRATION 131067
 AIR NEW SOURCE PERMITS REGISTRATION 111679
 AIR NEW SOURCE PERMITS REGISTRATION 119719
 AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX129
 AIR NEW SOURCE PERMITS REGISTRATION 124186
 AIR NEW SOURCE PERMITS REGISTRATION 131268
 AIR NEW SOURCE PERMITS REGISTRATION 122193
 AIR NEW SOURCE PERMITS REGISTRATION 108018
 AIR NEW SOURCE PERMITS REGISTRATION 138839
 AIR NEW SOURCE PERMITS REGISTRATION 138475
 AIR NEW SOURCE PERMITS REGISTRATION 123500
 AIR NEW SOURCE PERMITS REGISTRATION 105728
 AIR NEW SOURCE PERMITS REGISTRATION 111677
 AIR NEW SOURCE PERMITS REGISTRATION 135466
 AIR NEW SOURCE PERMITS REGISTRATION 115157
 AIR NEW SOURCE PERMITS REGISTRATION 122233
 AIR NEW SOURCE PERMITS REGISTRATION 122060
 AIR NEW SOURCE PERMITS REGISTRATION 136474
 AIR NEW SOURCE PERMITS EPA PERMIT PSOTX144B
 AIR NEW SOURCE PERMITS REGISTRATION 128539
 AIR NEW SOURCE PERMITS REGISTRATION 136924
 AIR NEW SOURCE PERMITS REGISTRATION 138837
 AIR NEW SOURCE PERMITS REGISTRATION 118805
 AIR NEW SOURCE PERMITS REGISTRATION 137118
 AIR NEW SOURCE PERMITS REGISTRATION 131386
 AIR NEW SOURCE PERMITS REGISTRATION 120507
 AIR NEW SOURCE PERMITS REGISTRATION 120957
 AIR NEW SOURCE PERMITS REGISTRATION 134439
 AIR NEW SOURCE PERMITS REGISTRATION 112388
 AIR NEW SOURCE PERMITS REGISTRATION 113088
 AIR NEW SOURCE PERMITS REGISTRATION 150775
 AIR NEW SOURCE PERMITS REGISTRATION 149387
 AIR NEW SOURCE PERMITS REGISTRATION 148170
 AIR NEW SOURCE PERMITS REGISTRATION 144089
 AIR NEW SOURCE PERMITS REGISTRATION 147282
 AIR NEW SOURCE PERMITS REGISTRATION 143657
 AIR NEW SOURCE PERMITS REGISTRATION 146958
 AIR NEW SOURCE PERMITS REGISTRATION 146503
 AIR NEW SOURCE PERMITS REGISTRATION 144062
 AIR NEW SOURCE PERMITS REGISTRATION 145204
 AIR NEW SOURCE PERMITS REGISTRATION 143654
 AIR NEW SOURCE PERMITS REGISTRATION 147239
 AIR NEW SOURCE PERMITS REGISTRATION 146876
 AIR NEW SOURCE PERMITS EPA PERMIT GHGPSOTX150
 AIR NEW SOURCE PERMITS REGISTRATION 142070
 WASTEWATER PERMIT WQ0000476000

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #
{SWR} 30079

AIR EMISSIONS INVENTORY ACCOUNT NUMBER VC0008Q

TAX RELIEF ID NUMBER 20128

TAX RELIEF ID NUMBER 16929

TAX RELIEF ID NUMBER 17849

TAX RELIEF ID NUMBER 16589

TAX RELIEF ID NUMBER 20129

TAX RELIEF ID NUMBER 16734

TAX RELIEF ID NUMBER 18582

TAX RELIEF ID NUMBER 16590

TAX RELIEF ID NUMBER 16592

Compliance History Period: September 01, 2012 to August 31, 2017 **Rating Year:** 2017 **Rating Date:** 09/01/2017

Date Compliance History Report Prepared: March 12, 2018

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 12, 2013 to March 12, 2018

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Raime Hayes-Falero

Phone: (713) 767-3567

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 05/08/2014 ADMINORDER 2013-1215-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 1415 ST&C No. 12 OP
Special Condition (SC) No. 1 PA

Description: Failure to prevent unauthorized emissions Incident No. 157511.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT
Standard Terms and Conditions OP

Description: Failed to prevent unauthorized emissions during Incident No. 172348.

- 2 Effective Date: 07/12/2017 ADMINORDER 2015-1398-WDW-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64(b)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.68(a)

Rqmt Prov: PR.VIII.G. OP

Description: Failed to monitor the specific gravity of injected waste in WDW 105 at least once every 24 hours

Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(e)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(c)

Rqmt Prov: PERMIT PP.VII. OPERATING PARAMETERS PERMIT
PP.VII.F OP

Description: Failed to maintain a positive pressure of 100 pounds per square inch gauge ("psig") over tubing injection pressure in the tubing-casing annulus in WDW 004 028, 105, 106, 142, 143, and 144 without dropping below this pressure differential for greater than 15 minutes

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125
30 TAC Chapter 331, SubChapter D 331.64(d)
30 TAC Chapter 331, SubChapter D 331.67(a)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(f)

Rqmt Prov: PP. VIII. A. Monitoring and Testing Req. PERMIT

PP.VIII.A. Monitoring and Testing Req. PERMIT

Description: Failure to properly maintain and use continuous recording devices to record the injection pressure at WDW028 and WDW105.

Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.67(a)

Rqmt Prov: PP. IX. Record Keeping Requirements PERMIT

PP.IX PERMIT

Description: Failed to keep complete and accurate records of all monitoring

Classification: Minor

Citation: 30 TAC Chapter 331, SubChapter D 331.65(c)(1)

40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.69(a)

Description: Failed to comply with the quarterly reporting requirements for a Class I well Injection operation

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: WDWI44 Provision VII.F PERMIT

Description: Failed to notify the TCEQ of the March 17, 2014 pressure deviation in the tubing-casing annulus in WDW 144

3 Effective Date: 01/16/2018 ADMINORDER 2017-0669-WDW-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 331, SubChapter D 331.63(e)

40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(c)

Rqmt Prov: PP.VII.F. Operating Parameters PERMIT

Description: Failed to maintain an annulus pressure of at least 100 psi greater than the injection tubing pressure to prevent leaks from the well into unauthorized zones and to detect well malfunctions

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 331, SubChapter D 331.67(a)

40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.67(f)

Rqmt Prov: PP.IX. Record Keeping Requirements PERMIT

Description: Failed to keep complete and accurate records of all monitoring

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 13, 2013	(1073420)
Item 2	March 20, 2013	(1089313)
Item 3	March 28, 2013	(1076553)
Item 4	April 01, 2013	(1075134)
Item 5	April 05, 2013	(1074499)
Item 6	April 10, 2013	(1078202)
Item 7	April 17, 2013	(1095707)
Item 8	April 23, 2013	(1085833)
Item 9	May 01, 2013	(1087111)
Item 10	May 16, 2013	(1089183)
Item 11	May 20, 2013	(1106632)
Item 12	May 23, 2013	(1089178)
Item 13	June 13, 2013	(1094765)
Item 14	June 20, 2013	(1110308)
Item 15	July 19, 2013	(1117192)
Item 16	July 29, 2013	(1104238)
Item 17	July 31, 2013	(1104597)
Item 18	August 09, 2013	(1124948)
Item 19	August 20, 2013	(1104595)
Item 20	August 27, 2013	(1114401)

Item 21	September 12, 2013	(1116659)
Item 22	September 18, 2013	(1129548)
Item 23	October 14, 2013	(1135278)
Item 24	October 21, 2013	(1123596)
Item 25	November 20, 2013	(1140677)
Item 26	December 23, 2013	(1135005)
Item 27	January 13, 2014	(1143645)
Item 28	January 15, 2014	(1153205)
Item 29	January 31, 2014	(1145049)
Item 30	February 19, 2014	(1160540)
Item 31	March 18, 2014	(1167185)
Item 32	April 02, 2014	(1102190)
Item 33	April 15, 2014	(1174318)
Item 34	April 17, 2014	(1159101)
Item 35	May 14, 2014	(1180506)
Item 36	June 06, 2014	(1172907)
Item 37	June 12, 2014	(1187404)
Item 38	June 16, 2014	(1173610)
Item 39	August 18, 2014	(1198558)
Item 40	August 27, 2014	(1190808)
Item 41	August 28, 2014	(1191251)
Item 42	September 19, 2014	(1205809)
Item 43	October 08, 2014	(1197677)
Item 44	October 15, 2014	(1212221)
Item 45	November 18, 2014	(1218473)
Item 46	December 15, 2014	(1211572)
Item 47	January 02, 2015	(1215619)
Item 48	January 19, 2015	(1230779)
Item 49	February 05, 2015	(1222682)
Item 50	February 11, 2015	(1223541)
Item 51	February 19, 2015	(1242289)
Item 52	March 17, 2015	(1230021)
Item 53	April 15, 2015	(1255518)
Item 54	May 18, 2015	(1262228)
Item 55	July 09, 2015	(1261438)
Item 56	July 17, 2015	(1276943)
Item 57	August 06, 2015	(1268460)
Item 58	August 19, 2015	(1283120)
Item 59	August 27, 2015	(1268682)
Item 60	August 31, 2015	(1230060)
Item 61	September 10, 2015	(1268324)
Item 62	September 18, 2015	(1296463)
Item 63	November 20, 2015	(1301916)
Item 64	December 17, 2015	(1308844)
Item 65	December 21, 2015	(1294629)
Item 66	January 15, 2016	(1288802)
Item 67	February 08, 2016	(1308369)
Item 68	March 17, 2016	(1331749)
Item 69	March 23, 2016	(1314458)
Item 70	April 19, 2016	(1338912)
Item 71	May 16, 2016	(1345712)
Item 72	June 17, 2016	(1338085)
Item 73	June 21, 2016	(1338726)
Item 74	July 25, 2016	(1344859)
Item 75	July 28, 2016	(1349096)
Item 76	August 02, 2016	(1349188)
Item 77	August 04, 2016	(1349169)
Item 78	August 16, 2016	(1275931)
Item 79	August 18, 2016	(1365552)
Item 80	August 26, 2016	(1342188)

Compliance History Report for CN602582231, RN102663671, Rating Year 2017 which includes Compliance History (CH) components from March 12, 2013, through March 12, 2018.

Item 81	September 16, 2016	(1372253)
Item 82	September 30, 2016	(1363528)
Item 83	October 18, 2016	(1378430)
Item 84	October 25, 2016	(1364733)
Item 85	November 10, 2016	(1371863)
Item 86	November 17, 2016	(1384389)
Item 87	December 13, 2016	(1390527)
Item 88	January 17, 2017	(1397143)
Item 89	January 26, 2017	(1387943)
Item 90	February 14, 2017	(1393753)
Item 91	February 16, 2017	(1377914)
Item 92	February 20, 2017	(1370290)
Item 93	March 22, 2017	(1401605)
Item 94	April 11, 2017	(1383077)
Item 95	April 14, 2017	(1402007)
Item 96	April 19, 2017	(1417631)
Item 97	May 18, 2017	(1425220)
Item 98	May 25, 2017	(1400959)
Item 99	June 01, 2017	(1416000)
Item 100	June 13, 2017	(1416112)
Item 101	July 16, 2017	(1423925)
Item 102	July 24, 2017	(1396487)
Item 103	July 28, 2017	(1425002)
Item 104	August 01, 2017	(1429972)
Item 105	August 04, 2017	(1401463)
Item 106	August 18, 2017	(1443520)
Item 107	August 29, 2017	(1435824)
Item 108	September 12, 2017	(1436937)
Item 109	September 20, 2017	(1450147)
Item 110	October 18, 2017	(1455967)
Item 111	November 14, 2017	(1461448)
Item 112	December 14, 2017	(1442855)
Item 113	December 19, 2017	(1467827)
Item 114	January 16, 2018	(1474532)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	03/14/2017	(1357499)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) GTC OP STC 2F OP			
	Description:	Failure to notify the TCEQ Corpus Christi Office of a reportable event within 24 hours after the discovery. Specifically, Invista Sarl failed to submit in a timely manner two initial notifications for two reportable events (TCEQ/STEERS Incident Nos. 214165 and 229122).			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1 PA STC 1S OP			
	Description:	Failure to prevent unauthorized emissions to the atmosphere during a reportable emissions event, Incident 214165 that occurred on 05/09/15 at 15:17 hrs. Specifically, Invista Sarl released from the OP-1-Low Pressure Scrubber Vent (EPN 06VNT-001) and OP-1 High Pressure Scrubber Vent (EPN 06VNT-002) the following contaminants and total amounts: 18,102 lbs of cyclohexene and 3.44 lbs of benzene. The event occurred for duration of 127 hrs, 48 mins. The event did not meet the affirmative defense.			
	Self Report?	NO		Classification:	Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 3 PERMIT
STC 15 OP
STC 3 OP

Description: Failure to prevent visible emissions with opacity greater than 20% averaged over a six-minute period. Specifically, Invista Sarl released 41.52% opacity from the West Power House Stack for Boilers 1 & 2 (EPN 15STK-005) during an event, Incident No. 229122, which was discovered on 03/12/16 at 00:24 hours for duration of 6 mins. The event was due to operator error, and notification for this event was not submitted to the TCEQ in a timely manner. This event does not meet the affirmative defense.

Self Report? NO Classification: Moderate

Citation: [7186/PSD-TX-1079M1] SC 1 PA
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 15 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during a reportable emissions event, TCEQ/STEERS Incident No. 232412, which was discovered on April 28, 2016 at 13:18 hours. Specifically, Invista Sarl released 25.33 lbs of hydrogen cyanide, 196.89 lbs of ammonia, 513.15 lbs of carbon monoxide, 62.07 lbs of nitrogen oxides, 0.8 lbs of sulfur dioxide, 3.9 lbs of unspciated VOC from the ADN Facility (EPNs 10FLR002, 10FLR004, 10FLR001, 10FLR005, 10FLR003A, and 10FLR003). The event occu

Self Report? NO Classification: Moderate

Citation: [7186/PSD-TX-1079M1] SC 1 PA
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GTC OP
STC 15 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during a reportable emissions event, Incident No. 235220, which was discovered on 06/08/16 at 10:58 hours. Specifically, Invista Sarl released 1,491.48 lbs of ammonia and 4.57 lbs of unspciated VOC from EPN 10FLR-004. The event occurred for duration of 47 minutes. The unauthorized emissions were not beyond the control of the owner/operator, and could have been avoided, and therefore, does not meet the affirmative defense.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
7186 [PSD-TX-1079M1] SC7(B) PA
FOP O-1867 GTC OP
FOP O-1867 STC 15 OP

Description: Failure to operate the Ammonia Startup Flare with a flame present at all times and/or have a constant pilot flame. Specifically, on June 8, 2016, between 10:58 hours and 11:45 hours, a build-up of water from the ammonia recycle/feed preparation system caused the Ammonia Startup Flare (EPN 10FLR-004) pilots to go out while ammonia and supplemental natural gas were being routed to the flare.

2 Date: 04/19/2017 (1402112)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125
30 TAC Chapter 331, SubChapter D 331.64(g)(1)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.68(c)(2)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.68(c)(3)
PP.VIII.A Monitoring and Testing Require PERMIT

Description: Failed to perform corrosion monitoring as required.

3 Date: 04/19/2017 (1402109)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125
30 TAC Chapter 331, SubChapter D 331.64(g)(1)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.68(c)(2)
40 CFR Chapter 146, SubChapter D, PT 146, SubPT G 146.68(c)(3)

PP.VIII.A Monitoring and Testing Require PERMIT
Description: Failed to perform corrosion monitoring as required.

- 4 Date: 05/26/2017 (1409010)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR PERMIT
PSD PERMIT
Description: Failure to prevent unauthorized emission to the atmosphere during an emissions event that was discovered on March 3, 2017, TCEQ/STEERS Incident No. 253703. Specifically, Invista SARL released unauthorized emissions in the amount of 2892 lbs of ammonia, 37 lbs of hexamethylenediamine, 5 lbs of unspecified VOC, and 13 lbs of other organics from EPN 04VNT-007. The event lasted 23 minutes. Permit No. 23271's 6.75 lb/hr limit for ammonia, 0.01 lb/hr limit for VOC (as noted on the MAERT) were exceeded
- 5 Date: 06/30/2017 (1439832)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 07/07/2017 (1422568)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
SC No. 3 PERMIT
Description: Failure to prevent visible emissions with opacity greater than a limit of 10% averaged over a six-minute period from EPN 14STK-001. Specifically, Invista SARL released visible emissions with 46.6% opacity from EPN 14STK-001 during an event that was discovered on December 2, 2016, TCEQ/STEERS Incident No. 248035. The opacity event lasted 12 minutes. Opacity was measured by a continuous opacity monitoring system (COMS). The unauthorized opacity was the result of operator error.
- 7 Date: 07/21/2017 (1424158)
Self Report? NO Classification: Moderate
Citation: 1902 STC 21 OP
23271 SC1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with the hourly maximum fill rate requirements listed in an applicable state permit. Specifically, Invista exceeded the hourly maximum fill rate permit representations 18 times from May 1, 2016 and April 30, 2017 for the Refined HMI Tank, Big A Crude HMD Tank, Big B Crude HMD Tank, Self Leachate Tank, Wet Organics Tank, Misc. Slurries Sump, and East BZ Receiver.
Self Report? NO Classification: Moderate
Citation: 1902 STC 17 OP
23271 SC 5 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with the NOx emissions factor requirements listed in an applicable state permit. Specifically, Invista exceeded the emissions factor of 0.06 pounds of NOx per MMBtu while firing rates were greater than 130 MMBtu for the Hydrogen Reformer Unit eleven (11) times from May 1, 2016 through April 30, 2017.
Self Report? NO Classification: Moderate
Citation: 1902 STC 3A PERMIT
30 TAC Chapter 111, SubChapter A 111.111(a)(8)(B)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to perform visible emissions evaluations. Specifically, Invista failed to perform Method 9 visible emissions evaluations from July 1, 2016 through September 30, 2016 on the Water Pump Engine and from April 1, 2016 through June 30, 2016 on the Fire Pump Engine.
Self Report? NO Classification: Moderate

Citation: 1902 STC 17 OP
23271 SC1 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent fugitive emissions from Open Ended Lines (OEL). Specifically, Invista discovered seven open ended lines from May 1, 2016 through April 30, 2017.

Self Report? NO Classification: Moderate

Citation: 23271 SC 9 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to adequately record when the baghouse was in operation. Specifically, Invista failed to record when the baghouse EPN: 11BAG311 was in operation sixteen times from May 1, 2016 through April 30, 2017.

8

Date: 07/28/2017 (1420813)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1217(a)(5)(i)
5C THSC Chapter 382 382.085(b)
812, SC 5C PERMIT

Description: Failure to comply with carbon monoxide (CO) emissions limit as specified by 40 Code of Federal Regulations 63.1217(a)(5)(i).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143
5C THSC Chapter 382 382.085(b)
812 SC 12A PERMIT

Description: Failure to record the HCL Tank scrubber flow rate. Specifically, Invista failed to record the HCL Tank scrubber flow rate on three days between March 19, 2016 and July 2, 2016.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(10)
5C THSC Chapter 382 382.085(b)

Description: Failure to record the monitoring time for the Distillate Dumpster Carbon Adsorber. Specifically, Invista failed to record the time the adsorber was monitored on February 2, 2016.

9

Date: 08/31/2017 (1429815)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.210(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)
5C THSC Chapter 382 382.085(b)
PERMIT 1904, FOP No. O-1904, STC 10 OP
PERMIT 1904, FOP No. O-1904, STC 11 OP
PERMIT 1904, FOP No. O-1904, STC 1E OP
PERMIT 1904, FOP No. O-1904, STC 29 OP
PERMIT 7186, NSR No. 7186, SC 4 PERMIT

Description: Failure to update the startup, shutdown, and malfunction plan (SSMP).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PERMIT 1904, FOP No. O-1904, STC 24 OP
PERMIT 7186, NSR No. 7186, SC 1 PERMIT

Description: Failure to comply with representations and conditions of FOP No. O-1904.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PERMIT 1904, FOP No. O-1904, STC 1A OP

Description: Failure to conduct visible emission monitoring.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PERMIT 1904, FOP No. O-1904, STC 1A OP
PERMIT 1904, FOP No. O-1904, STC 29 OP
PERMIT 7186, NSR No. 7186, SC 17E PERMIT

Description: Failure to prevent fugitive emissions from Open Ended Lines (OEL).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PERMIT 1904, FOP No. O-1904, STC 2F OP

Description: Failure to create a final record of all reportable and non-reportable emissions events no later than two weeks after the end of an emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PERMIT 1904, FOP No. O-1904, STC 1A OP
PERMIT 1904, FOP No. O-1904, STC 29 OP
PERMIT 7186, NSR No. 7186, SC 11 PERMIT

Description: Failure to record liquid flow rates and pH levels for the HCL Scrubber.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of a deviation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 106, SubChapter K 106.263(g)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
PERMIT 1904, FOP No. O-1904, STC 29 OP

Description: Failure to maintain sufficient records for Maintenance, Start-up, and Shutdown (MSS) activities.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
5C THSC Chapter 382 382.085(b)
PERMIT 1904, FOP No. O-1904, STC 1A OP
PERMIT 1904, FOP No. O-1904, STC 27 OP
PERMIT 1904, FOP No. O-1904, STC 29 OP
PERMIT 7186, NSR No. 7186, SC 17F PERMIT

Description: Failure to monitor valves, connectors, and replacements for leaking components.

10

Date: 12/11/2017 (1430479)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 8(E) PERMIT
STC 16 OP

Description: Failure to equip each open-ended valve or line (OEL) with an appropriately sized cap, blind flange, plug, or a second valve to seal the line.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 7(E) PERMIT
STC 16 OP

Description: Failure to equip each open-ended valve or line (OEL) with an appropriately sized

cap, blind flange, plug, or a second valve to seal the line.			
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 106, SubChapter S 106.433(8) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 16 OP		
Description:	Failure to maintain sufficient records of surface coat activities.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 106, SubChapter S 106.433(7)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 16 OP		
Description:	Failure to emit no more than 6 pounds per hour (lb/hr) of volatile organic compound (VOC) emissions, averaged over any five-hour period, from surface coating operations.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 2(F) OP		
Description:	Failure to create final records of non-reportable (recordable) emissions events no later than two weeks after the end of the events.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) SC 1 PERMIT		
Description:	Failure to prevent unauthorized emissions to the atmosphere during non-reportable (recordable) emissions events.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7 5C THSC Chapter 382 382.085(b) GC 3 PERMIT STC 16 OP STC 2(F) OP		
Description:	Failure to report start of construction, construction interruptions exceeding 45 days, or completion of construction no later than 15 working days after the occurrence of the event.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 106, SubChapter T 106.452 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 16 OP		
Description:	Failure to comply with the maximum filtering velocity requirements for fabric filters.		

F. Environmental audits:

Notice of Intent Date: 05/08/2015 (1253108)

Disclosure Date: 07/29/2015

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1207(j)(1)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(j)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)(4)

Rqmt Prov: OP FOP O1867, STC 1.A.
OP FOP O1867, STC 1.E.
OP FOP O1867, STC 15.

Description: Failed to calculate the stack gas flow rate using the correlation between combustion air flow and stack gas flow that was developed during the comprehensive performance test, when determining emission limit for compliance and automatic waste feed cutoffs (AWFCO) for Boiler Nos. 1, 2, and 4.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620

- 30 TAC Chapter 116, SubChapter B 116.110(a)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(i)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1207(j)(1)(II)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)(4)
- Rqmt Prov: OP FOP Q1867, STC 1.A.
 OP FOP Q1867, STC 1.E.
 OP FOP Q1867, STC 15
 PERMIT NSR Permit No. 812, Special Condition 1
- Description: Failed to use the units of measure for chromium emissions specified in the Notification of Compliance when burning waste with a heating value below 10,000 British thermal units per pound (BTU/lb), resulting in the AWFCOs not matching the established emission limits for Boiler Nos. 1, 2, 3, and 4.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1207(m)(1)
- Rqmt Prov: OP FOP Q1867, STC 1.A.
 OP FOP Q1867, STC 1.E.
- Description: Failed to calculate and record the metals Maximum Theoretical Emissions Concentration (MTEC) in the units of measure specified in the definition of MTEC when the waste heating value is below 10,000 BTU/lb for Boiler Nos. 1, 2, 3, 4, 7, and 8.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 263, SubChapter I, PT 263, SubPT A 263.10(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(e)(3)(v)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1217(a)(5)(i)
- Rqmt Prov: OP FOP Q1867, STC 1.A.
 OP FOP Q1867, STC 1.E.
- Description: Failed to identify and report exceedances of the 100 parts per million by volume carbon monoxide (CO) limit in the MACT Subpart EEE semiannual reports for periods when no hazardous waste was fed ("vent gas only") to Boiler Nos. 1, 2, 3, 4, 7, and 8.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(e)(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(a)
- Rqmt Prov: OP FOP Q1867, STC 1.E.
 OP FOP Q1867, STC 1.A.
- Description: Failed to list in the MACT Subpart EEE semiannual reports the proper units of measure for chromium emissions, as specified in the Notification of Compliance for Boiler Nos. 1, 2, 3, and 4. Additionally, failed to list the operating parameter limit for carbon monoxide (100 ppm on an hourly average basis) in MATCT Subpart EEE semiannual reports for Boiler Nos. 1, 2, 3, 4, 7 and 8.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(b)(16)
- Rqmt Prov: OP FOP Q1867, STC 1.A.
 OP FOP Q1867, STC 1.E.
- Description: Failed to accurately record the heating values of the individual waste being fired for Boiler Nos. 7 and 8. Specifically, the Documentation of Compliance intermittently records heating values below 10,000 BTU/lb even though each individual waste being fired is over 10,000 BTU/lb.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 113, SubChapter C 113.620
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)
- Rqmt Prov: OP FOP Q1867, STC 1.A.
 OP FOP Q1867, STC 1.E.

Description: Failed to include in the SSMP operating parameter limit continuous monitoring systems (CMS) for combustion chamber pressure for Boiler Nos. 1, 2, 3, 4, 7, and 8. The SSMP also includes outdated manufacturer and model number information for a portion of the oxygen and carbon monoxide continuous emissions monitoring systems (CEMS).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)

Rqmt Prov: OP FOP 01867, STC 1.A.
OP FOP 01867, STC 1.E.

Description: Failed to identify and report calculated exceedances of metals (chromium, semi-volatile metals and mercury) emissions. It appears that some readings may be false positives.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)(4)

Rqmt Prov: OP FOP 01867, STC 1.E.
OP FOP 01867, STC 15
OP FOP 01867, STC 1A.
PERMIT NSR Permit No. 812, Special Condition 1

Description: Failed to stop waste liquid feed when chromium emission rates exceeded the AWFCO and to report any associated excess emissions for Boiler No. 1 on June 30, 2014.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)

Rqmt Prov: OP FOP 01867, STC 1.A.
OP FOP 01867, STC 1.E.

Description: Failed to identify some SSMP events and include those events in SSMP reports. Also, failed to accurately report the details regarding other events in the SSMP reports.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1207(m)(2)(ii)

Rqmt Prov: OP FOP 01867, STC 1.A.
OP FOP 01867, STC 1.E.

Description: Failed to record metals limits when firing fuels with a heating value over 10,000 BTU/lb for Boiler Nos. 1, 2, 3, 4, 7, and 8.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)(4)

Rqmt Prov: OP FOP 01867, STC 1.A.
OP FOP 01867, STC 1.E.
OP FOP 01867, STC 15
PERMIT NSR Permit No. 812, Special Condition 1

Description: Failed to operate within ash feed rate limit throughout 2013 through April 2014 without activating AWFCOs, which could cause exceedances of the authorized particulate matter emissions limit for Boiler No. 1.

Notice of Intent Date: 05/08/2015 (1253123)

Disclosure Date: 06/01/2015

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.62(a)(8)

30 TAC Chapter 331, SubChapter D 331.64(h)

Rqmt Prov: PERMIT WDW004, SCs VIII.C. and XI.E, and G
PERMIT WDW028, SCs VIII.C. and XI.E and G
PERMIT WDW029, SCs VIII.C. and XI.E and G
PERMIT WDW030, SCs VIII.C. and XI.E and G
PERMIT WDW105, SCs VIII.C. and XI.E and G
PERMIT WDW106, SCs VIII.C. and XI.E and G
PERMIT WDW142, SCs VIII.C. and XI.E and G
PERMIT WDW143, SCs VIII.C. and XI.E and G
PERMIT WDW144, SCs VIII.C. and XI.E and G

Description: Failed to maintain transmissibility within the established range.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64(g)(3)

Rqmt Prov: PERMIT WDW004, SC VIII.H
PERMIT WDW028, SC VIII.H.
PERMIT WDW029, SC VIII.H.
PERMIT WDW030, SC VIII.H.
PERMIT WDW105, SC VIII.H.
OP WDW106, SC VIII.H.
PERMIT WDW142, SC VIII.H.
PERMIT WDW143, SC VIII.H.
PERMIT WDW144, SC VIII.

Description: Failed to conduct annual corrosion monitoring within a 12-month period. Additionally, corrosion rates of greater than .3 mpy have been noted without a quarterly follow-up.

Disclosure Date: 08/19/2015

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(c)

Rqmt Prov: PERMIT WDW004, SC XI.G.
PERMIT WDW028, SC XI.G.
PERMIT WDW029, SC XI.G.
PERMIT WDW105, SC XI.G.
PERMIT WDW143, SC XI.G.
PERMIT WDW144, SC XI.G.

Description: Failed to limit the cumulative instantaneous flow rates into the Lower Catahoula to 700 gpm.

Disclosure Date: 01/06/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(e)

Rqmt Prov: PERMIT Permit WDW 106, SC VII.F

Description: Failed to maintain an annulus differential pressure of 100 psig for more than 15 minutes on April 30, 2013 (WDW 106, Well No. 9). Additionally, facility failed to report the pressure differential drop below 100 psig that exceeded 15 minutes in the 2nd quarter of 2013 quarterly report.

Notice of Intent Date: 07/21/2017 (1429814)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: INVISTA SARL

Reg Entity Add: 2695 OLD BLOOMINGTON RD N

Reg Entity City: VICTORIA

Reg Entity No: RN102663671

EPA Case No: 06-2016-3351

Order Issue Date (yyyymmdd): 20160322

Case Result:

Statute: CAA

Sect of Statute: 112[R][7]

Classification: Minor

Program: Risk Management Progra

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INVISTA S.A R.L.
RN102663671**

**§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2018-0096-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INVISTA S.a r.l. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 2695 Old Bloomington Road North in Victoria, Victoria County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$30,135 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$12,054 of the penalty and \$6,027 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$12,054 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment

A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant in order to ensure that daily visible emissions observations are conducted once per day when the associated baghouse and particulate scrubbers are in operation:
 - a. By September 30, 2017, required supervisory personnel to review the prior periods of noncompliance in order to discover and correct performance gaps; and
 - b. By December 29, 2017, appointed supervisory personnel to oversee implementation of more rigorous shift-by-shift review process, review the inspection forms to ensure that the visible emissions inspections are properly conducted, and to maintain a uniform understanding of visible emissions inspection protocol.

II. ALLEGATIONS

During a record review conducted from June 30, 2016 through August 15, 2017, an investigator documented that the Respondent failed to perform daily visible emissions observations when the associated baghouse and particulate scrubbers were in operation, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Federal Operating Permit No. 01415, Special Terms and Conditions Nos. 14 and 16, New Source Review Permit Nos. 810, PSDTX1448, and GHGPSDTX129, Special Conditions No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent failed to inspect eight vents for visible emissions on 17 instances from January 10, 2016 through January 9, 2017.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INVISTA S.a r.l., Docket No. 2018-0096-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph 4. The amount of \$12,054 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

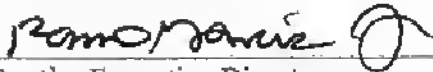
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



3/18/19

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

2/1/19

Date

Vincent A. Salvador

Name (Printed or typed)
Authorized Representative of
INVISTA S.a r.l.

Site Manager

Title Authorized Signatory

☐ If mailing address has changed, please check this box and provide the new address below:

Attachment A
Docket Number: 2018-0096-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INVISTA S.a r.l.
Payable Penalty Amount:	\$24,108
SEP Offset Amount:	\$12,054
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas A&M University - Corpus Christi
Project Name:	<i>AutoCheck</i>
Location of SEP:	Aransas, Bee, Brooks, Calhoun, DeWitt, Duval, Goliad, Jackson, Jim Wells, Kenedy, Kleberg, Lavaca, Live Oak, McMullen, Nueces, Refugio, San Patricio, and Victoria Counties

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas A&M University – Corpus Christi** for the *Autocheck* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used for vehicle repairs by approved automotive repair shops for maintenance, repair, and calibration of the AutoCheck equipment by a contractor; for replacement of equipment if necessary; for fuel to transport the equipment to event sites and for generators necessary to operate the equipment during events; the salary of a Program Operator whose position is devoted to the AutoCheck program; and for printer ink and card stock to print emissions test results to provide to participating motorists. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

According to local emissions inventories of the Corpus Christi area, approximately 35% of air pollution is caused by vehicles. The vehicle operator may not know that the vehicle is polluting or may not have the resources to have emissions-reducing repairs performed on the vehicle. This Project addresses emissions by informing motorists that their vehicles are polluting, providing them with information regarding the clean air benefits of a well-maintained vehicle, and providing resources to repair polluting vehicles to bring them up to clean emissions standards.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas A&M University – Corpus Christi SEP** and shall mail the contribution with a copy of the Agreed Order to:

Program Manager
Pollution Prevention Partnership
Texas A&M University - Corpus Christi
6300 Ocean Drive, NRC #2200, Unit 5844
Corpus Christi, Texas 78412

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

INVISTA S.a. r.l.
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

INVISTA S.a. r.l.
Agreed Order - Attachment A

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.